

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

VS.

NO. 3:03MJ019

PAUL KEVIN CURTIS

RESPONSE TO MOTION TO CONTINUE

COMES NOW, Paul Kevin Curtis, by and through counsel and files his Response to the Motion to Continue filed by the United States Government, stating as follows:

1. The United States Government, approximately ninety (90) minutes prior to the preliminary hearing/detention hearing, seeks to continue this matter so that they (the Government) can be better prepared. Defendant Curtis objects.
2. On April 17, 2013, in the late afternoon, in Corinth, Mississippi, Paul Kevin Curtis was going about his business, stopping to pick up his mail on the way out of his subdivision. He was en route to the home of his former wife, where he intended to cook dinner for his family. In the car he had groceries and his young son's pet dog, Moo Cow.
3. As Mr. Curtis approached his mailbox a number of vehicles swarmed around him, men with heavy duty weaponry, dressed in SWAT gear began yelling at him to stop, surrender, etc. Mr. Curtis complied. He was handcuffed and shackled and after some time standing in the road, he was driven to the FBI building in Oxford, Mississippi. Once there he was handcuffed and chained to a chair and interrogated for a period of several hours. Mr. Curtis complied and cooperated to the best of his ability. He answered all questions. He did suggest he might need

the presence of a lawyer, but such suggestion was discouraged by a certain federal agent. Mr. Curtis told the agents he welcomed a polygraph examination.

4. Sometime after midnight Mr. Curtis was booked in the Lafayette County Detention Center. He appeared before this Honorable Court prior to the noon hour on April 18, 2013.
5. Initially the preliminary hearing was set for Monday, April 22nd. Counsel undersigned requested that it be reset for Friday, April 19th. This was **not for the convenience of counsel but for the benefit of the defendant to protect the rights bestowed upon him by the United States Constitution.**
6. The United States Government now claims more time is needed to prepare for this short hearing. Defendant Curtis and counsel take exception to such a statement, given the extensive resources of the United States Government as well as the very low burden of proof required at the hearing.
7. Counsel is further concerned about the motion, given the fact that she spent over an hour this very morning with one Assistant United States Attorney as he attempted to convince the Chief Judge of this district to continue the hearing based on a wholly different reason.
8. It is clear that the Government is stalling for time in this case. This case is certainly important to national security, but it is no more important than the doctrine of constitutional fairness and the notion of liberty as we know it.
9. The United States Government felt the evidence compelled them to literally invade Mr. Curtis's subdivision, shackle him and force him to accompany them on a trip of more than 75 miles, chain him to a chair and interrogate him for hours,

and then ask this Honorable Court to detain him without bond.

10. The Government then suggested that Mr. Curtis should be forced to submit to a competency examination within the confines of the Bureau of Prisons, presumably while they continued their investigation. When that wasn't effective in delaying the hearing, they now turn to this Honorable Court in an effort to achieve their goal of postponing the hearing Mr. Curtis so desperately seeks.
11. Furthermore, during conversations with the Government as recent as this morning, Counsel undersigned never had any indication that the Government wasn't ready to proceed. Counsel has prepared for the hearing, has witnesses who have taken off work and traveled extended distances in order to be present for this hearing. It would cause great prejudice to the Defendant should this hearing be continued. It is simply unconscionable for the United States Government to deny a person his liberty until they can assemble enough evidence against him. Counsel undersigned noticed that the United States Attorney and at least four assistant United States Attorneys were present at the initial appearance which lasted less than five minutes. If the Government was unprepared to move forward against Mr. Curtis, it boggles the mind that such resources would be expended in that way.
12. Paul Kevin Curtis beseeches this Honorable Court to require the government to present any evidence they have this afternoon at the hearing at 3:00 p.m. It is abundantly clear that the Government is stalling and there is no justification for such tactics. The burden of proof is low but the magnitude of denying a person's liberty without cause is great.

WHEREFORE PREMISES CONSIDERED, Defendant Paul Kevin Curtis prays this Honorable Court will deny the Motion by the Government and allow the hearing to proceed at 3:00 p.m.

Respectfully submitted,
/s/Christi R. McCoy
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the listed party via electronic filing this the day of . Said system delivered the document to the following parties:

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